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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) AC-001-US	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]		Application Number 10/011,027	Filed 11/2/2001
on <u>Via Electronic Filing</u> Signature _____		First Named Inventor Scallie	
Typed or printed name _____		Art Unit 3713	Examiner Jones, Scott E.
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/>	applicant/inventor.	Signature	
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Mitchell S. Rosenfeld	
<input checked="" type="checkbox"/>	attorney or agent of record. 36,258	Typed or printed name	
	Registration number	415-928-3853	
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34.	Telephone number	
	Registration number if acting under 37 CFR 1.34 _____	March 26, 2006	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: LAURENT SCALLIE

EXAMINER: JONES, SCOTT E.

APPLICATION No.: 10/011,027

ART UNIT: 3713

FILED: NOVEMBER 2, 2001

FOR: VIRTUAL REALITY GAME SYSTEM USING
PSEUDO 3D DISPLAY DRIVER**PRE-APPEAL BRIEF REVIEW REQUEST ARGUMENTS**

Dear Sir:

Claims 1-5 and 7-20 are currently pending and are twice rejected under 35 U.S.C. § 102(b) as being anticipated by i-O Display Systems H3D Terminator 3D Gaming Glasses (hereinafter the “i-O Glasses”).

I. Background

In response to the Office Action April 7, 2004, which contains the same rejections as the present Office Action dated October 27, 2005, the Applicant filed a Response dated March 24, 2005 (hereinafter the “Response”). In deeming unpersuasive the arguments raised by the Applicant in the Response, the Examiner asserts that 1) “the arguments raised by the Applicant amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references”, and 2) “Applicant provides an opinion about how the prior art works and an interpretation (opinion) about what the article means.” Neither assertion accurately reflects the arguments set forth in the Response.

II. Argument**1. The Response Details Specific Claim Language Absent From The Prior Art**

In the Response at pages 6-9, the Applicant details specific language in the claims that is not taught in the prior art, as well as, an explanation as to why the prior art fails to do so. For example, as explained at pages 7, 2nd full paragraph, claim 1 recites “separately rendering in tandem left and right image views for display in a 3D stereoscopic vision display device.” The i-O Glasses fail to teach or suggest this element. When using the i-O Glasses, separate image views are not rendered. Only a single interlaced VGA output signal is displayed on a 2D screen like the conventional mode depicted in figure 1A (left column) of the present application. Moreover, no images are displayed on a 3D stereoscopic vision display device. Rather, the images are displayed on a 2D display device. The i-O Glasses are only used to control the

viewing of the images on the 2D display device.

In other words, no images are displayed in the i-O Glasses, rather the images are displayed on a conventional 2D CRT display device that the user views through the i-O Glasses. The fact that “left and right image views” are NOT displayed in the i-O Glasses is further explained below in view of documentation provided by i-O Display Systems, the maker of i-O Glasses. To use the i-O Glasses “[y]ou must have a CRT based (picture tube) computer monitor in order to use 3D gaming glasses.” (See March 26, 2006 IDS, Reference A at 2) As explained below, the Examiner must consider this reference under MPEP §2124. Again, a user of the i-O Glasses views the images on a 2D display device (e.g., a TV or computer monitor), NOT in the i-O Glasses.

Details of all of the specific claim language (identified by quotation marks) not found in the prior art is found in the Response, but are not repeated herein for the sake of brevity.

2. The Response Contains Facts Describing The Prior Art, Not Opinion

The reference relied upon by the Examiner is a vaguely worded, non-technical magazine article purportedly describing the prior art i-O Glasses. The Examiner does not rely on any technically oriented source or any documentation provided by the manufacturer of the i-O Glasses. The Examiner claims that this is appropriate under MPEP §2124.

In the Response and accompanying IDS, the Applicant provided the Examiner with the opportunity to consider such references. However, in the most recent Office Action ignores the technical references describing the i-O Glasses, which are equally applicable under MPEP §2124.

As explained in a web review by Christoph Bungert entitled “Unofficial i-O Display Systems H3D Terminator, H3D Cruiser and ‘Universal’ controller page” on the website <http://www.stereo3d.com/terminator.htm> (hereinafter “Stereo3D Review”) depicting the components of the i-O Glasses, the i-O Glasses are a “shutterglass” type of device. A copy of the relevant web pages from both the original 2000 and original versions of the article were provided in connection with the IDS filed March 24, 2005 as References C and D.

A description of the i-O Glasses and LCD shutter glasses in general is found in a review and FAQ page provided by the 3D Gaming World website (<http://www.3dgm.com>). A copy of the relevant web pages were provided in connection with the IDS filed on March 24, 2005 as references A and B.

As described in by the 3dgm website (i.e., fact rather than opinion), the lenses of the glasses are made up of a clear LCD panel that can either pass your vision on or off for each

lens. In order to see things in 3D each eye must see a slightly different picture. This is done in the real world by a person's eyes being spaced apart so each eye has its own slightly different view. The brain then puts the two pictures together to form one 3D image that has depth to it.

As further described by the 3dgv website, with LCD shutter glasses, each lens can be turned off independently. The lenses are synced via cable or wireless so when the monitor displays the image meant for the right eye, the lens of the left eye is shut off, and when the monitor is displaying the image meant for the left eye, the right eye is shut off. This switching back and forth happens very rapidly around 60 times per second which if done correctly provides a flicker free 3D Image on the monitor. There are several different methods of sending the separated views to the monitor for use with the glasses. The modes include interlacing, page flipping, sync doubling, line blanking, and anaglyph.

As described in the Bungert review, the components of the i-O Glasses include the glasses, a wired or wireless input to the glasses, and a cable (controller) for connecting the VGA card, the monitor and the glasses (either wired or IR wireless). The cable is connected either wired or wireless to the glasses so that the glasses receive the sync information necessary for controlling the lenses of the glasses. The game player then uses the glasses to view the monitor. The lenses are switched on and off in sync with the monitor to provide the game player with 3D viewing.

The above statements constitute a recitation of the teachings of the 3dgv website and Bungert review with respect to the i-O Glasses, and are thus statements of fact, not opinion.

In contrast to the technical literature cited by Applicant, the Office Action relies upon a non-technical article and a non-technical, marketing description. A comparison between the non-technical and technical literature sheds light on the true teachings of the i-O Glasses. In particular, the Business Wire article states that "H3D software drivers working with the Z axis depth information already available in nearly any modern DirectX, Glide or OpenGL game can create a stereo 3D image pair – one image for your left eye and a slightly different image for your right eye." When this generalized statement is viewed in light of the more detailed technical references, it is clear that the H3D software drivers simply allow the lenses of the glasses to be synchronized with the monitor that displays the game. Moreover, the statement in the Business Wire article that the "H3D Terminator glasses ensure that each eye receives the proper signal" is easily subject to misinterpretation by failing to describe important details. In reality, the glasses do not display the image viewed by the game player. Rather, the glasses only control the viewing of the image on a conventional 2D display device.

3. The Manufacturer's Literature Demonstrates Claims Are Not Anticipated

While the references previously cited by the Applicant should end all doubt as to the teachings of the i-O Glasses, technical documentation available from the manufacturer of the i-O Glasses, i-O Display Systems, is provided in an IDS filed concurrently herewith. The cited technical literature is from the www.razor3donline.com website, which is owner by Ilixco, Inc. This website is accessed from i-O Display Systems' website and according to i-O Display Systems "about us" page (<http://www.i-glassesstore.com/info.html>), "i-O Display Systems, LLC ("IOD") ... was formed in 1997 as a new venture between Ilixco, a privately held display technology company and Liberty Media Group."

According to i-O Display Systems, "[s]ince 1997, i-O Display Systems (Manufacturers of the razor3d 3D glasses products) has made a variety of PC gaming and Internet Viewing products - all based on LCD shutter glasses technology." (See March 26, 2006 IDS, Reference A at p. 1 (emphasis added)) As further described by i-O Display Systems:

When you view 3D content using our patented 3D glasses, the left and right images are seen clearly, one eye at a time. The way that this is achieved is by rapidly alternating the opening and closing of an LCD (liquid crystal display) lens in front of each eye. While your right eye sees the right image, the left eye is blocked by a darkened LCD lens (or shutter) and vice versa, back and forth. This alternating of images occurs many times a second and your brain fuses these separate images into one truly 3-Dimensional image. The speed of the shutters is set in direct proportion to the refresh rate of your TV or computer monitor. The wired 3D glasses remain in-sync with the image source via a connecting wire to the control box. The wireless 3D glasses accomplish this by receiving an infrared signal from the control box.

(See March 26, 2006 IDS, Reference B at p. 1-2)

In addition, i-O Display Systems explains that "[y]ou must have a CRT based (picture tube) computer monitor in order to use 3D gaming glasses." (See March 26, 2006 IDS, Reference A at p. 2)

As confirmed by the technical literature of i-O Display Systems, the i-O Glasses do not teach separately rendering in tandem left and right image views for display in a 3D stereoscopic vision display device as recited in claims 1 and 15. No images are displayed in the i-O Glasses, rather the images are displayed on a conventional 2D CRT display device that the user views through the i-O Glasses. The fact that "left and right image views" are NOT displayed in the i-O Glasses is further explained below in view of documentation provided by i-O Display Systems,

the maker of i-O Glasses. To use the i-O Glasses “[y]ou must have a CRT based (picture tube) computer monitor in order to use 3D gaming glasses.” (See March 26, 2006 IDS, Reference A at p. 1) “Without the glasses, you would see a blurry double view of both images, one on top of the other.” (See March 26, 2006 IDS, Reference B at p. 1).

Moreover, as recited in claim 1, the left and right image views are for display in a 3D stereoscopic vision display device. Claim 15 recites providing the image views to respective one of a corresponding multiple 3D graphics rendering devices for a multi-view 3D display. As explained in the references cited in both the current and prior IDS, the i-O Glasses are NOT a display. The i-O Glasses are simply a device through which a conventional 2D display device is viewed. Thus, the i-O Glasses failed to teach the “display device” recited in any of the pending claims.

4. The Office Action Fails To Present A Prima Facie Case Of Anticipation

The characterization of the prior art in the Office Action is contradicted by technical literature and documentation from the maker of the prior art device. As such, the non-technical literature relied upon in the Office Action fails to provide sufficient evidence as to the teachings of the i-Glasses to support the rejection under 35 U.S.C. §102(b).

Moreover, the Office Action that provides no more than paraphrasing of the prior art without demonstration of where each and every claim element is found in the prior art. This is particularly evident with respect to the dependant claims where there is no mention anywhere in the relied upon references of the recited claim language. Recitation of the specific claim language not found in the relied upon references is detailed in the Response at pages 7-9. Accordingly, the Office Action fails to demonstrate a prima facie case of anticipation of any of the pending claims.

III. Conclusion

In light of the above arguments and those raised in the Response, Applicant respectfully submits that the pending claims are allowable.

Respectfully submitted,

DATE: March 26, 2006

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